

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Cabinet

16th March 2021

Report of the Head of Human and Organisational Development - S Rees

Matter for Decision

Wards Affected: All Wards

Report Title: Comments, Compliments and Complaints Policy 2021

Purpose of Report

1. To present a revised Comments, Compliments and Complaints Policy for Neath Port Talbot Council, based on a model complaints handling procedure for public service providers in Wales.

Executive Summary

2. The Public Services Ombudsman (Wales) Act 2019 makes provision about the functions of the Public Services Ombudsman for Wales. Under Section 38 of the Act, the Ombudsman may specify a model complaints handling procedure for listed authorities in Wales. The Council's current Comments, Compliments and Complaints Policy (last updated September 2020) has been reviewed by the Council's Complaints Officers Group to ensure compliance with the model that has been specified by the Ombudsman and to ensure a consistent approach and understanding of the handling of comments, compliments and complaints across the Council.

Background

3. The Public Services Ombudsman (Wales) Act 2019 received Royal Assent on 22 May, 2019. The Act makes provision about the functions of the Public Services Ombudsman for Wales. Under Section 38 of the Act the Ombudsman may specify a model complaints handling procedure for listed authorities in Wales.

4. On 30th September 2020, the Ombudsman shared the following documentation with local authorities across Wales.
 - Concerns & Complaints Model Policy for Public Service Providers in Wales
 - Guidance for Public Service Providers on Implementing the Concerns and Complaints Policy
 - Complaint Handling Process – Statement of Principles
5. The Concerns and Complaints Model Policy is designed for public service providers and represents a minimum standard of complaint handling in Wales. The Council was asked to ensure its local procedures comply with the Model and is required to submit its revised complaints policy to the Ombudsman's office by 31 March 2021.
6. The Council's Comments, Compliments and Complaints Policy has been in place since guidance was issued by Welsh Government in 2011 (updated in September 2020) and since that time the Ombudsman has noted that a diverse range of complaints practices has emerged across Wales. The Ombudsman's new guidance aims to bring practices back into broad alignment – providing basic standards, a common language and a set of principles to underpin how complaints are handled throughout public services.
7. The Council's current Comments, Compliments and Complaints Policy has been reviewed by the Council's Complaints Officers Group to ensure compliance with the above Model and to ensure a consistent approach and understanding of the handling of comments, compliments and complaints across the Council.
8. Overall, there is no significant change to the process for how to make a comment, compliment or complaint. The two-step approach to complaint handling remains.
9. The most significant change, following the review, was the removal of the officer guidance content which will be transferred into an internal officer guidance note. The removal of this content has made the Policy a simpler document enabling the public to clearly understand how to make a comment, compliment or complaint.

10. In addition to the model complaints handling procedure, the Ombudsman also shared the following set of principles of an effective complaints handling process which form the basis of the Council's revised Policy and will be published on the Council's website to complement the revised Policy:
 - Complainant Focused
 - Simple
 - Fair & Objective
 - Timely & Effective
 - Accountable
 - Committed to Continuous Improvement
11. The Council's revised Policy has been shared with the Head of Complaints Standards (Complaints Standards Authority - PSOW) who provided a few points of feedback which have been taken into consideration when finalising the revised Policy.

Monitoring and Review

12. Comparisons across sectors in Wales are part of the requirements of the Public Services Ombudsman (Wales) Act 2019 and since July 2020, quarterly complaints data from public bodies has been provided to the Complaints Standards Authority for Wales team in the PSOW to enable the compilation of statistics and identification of complaints handling trends across all Welsh Councils. During 2021/2022, the data will be published on the PSWO website and will be used to inform the PSOW annual letters and reports.
13. In addition to the above, Section 114 of the Local Government & Elections (Wales) Act 2021 sets out a new name and functions of Audit Committees. A report will be prepared shortly to Council to amend the Terms and Reference of the Audit Committee which will include the following additional functions:
 - to review and assess the authority's ability to handle complaints effectively; and
 - to make reports and recommendations in relation to the authority's ability to handle complaints effectively

Financial Impact:

14. There is no financial impact associated with this report.

Integrated Impact Assessment

15. A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.

The first stage assessment, attached at Appendix 2, has indicated that a more in-depth assessment is not required. A summary is included below.

The Comments, Compliments and Complaints Policy was reviewed to ensure compliance with the model that has been specified by the Public Services Ombudsman for Wales and to ensure a consistent approach and understanding of the handling of comments, compliments and complaints across the Council.

The changes the review necessitated have not been significant and consequently impacts identified have been minimal. Positive impacts in relation to age and disability as well as in relation to the Welsh language have been strengthened but not to significant levels to justify a full assessment.

Valleys Communities Impact:

16. There are no impacts associated with this report.

Workforce Impact

17. The Complaints Officers Group have co-produced the revised Policy.

Legal Impact

18. The revised Policy has been developed to ensure the Council's practices and procedures for handling complaints is in accordance with the PSOW's Model Complaint Handling Process and Guidance issued by the Ombudsman for Wales under Section 38 of the Public Services Ombudsman (Wales) Act 2019.

Risk Management

19. There are no risk management implications associated with this report.

Consultation

20. There is no requirement for external consultation on this item. The Public Services Ombudsman for Wales undertook extensive consultation prior to issuing the model complaints handling procedure for listed authorities in Wales. The Complaints Standards Authority (PSOW) has been consulted on the Council's revised Policy.

Recommendations

21. Having had due regard to the first stage Integrated Impact Assessment, Members are asked to approve the revised Comments, Compliments and Complaints Policy attached at Appendix 1.

Reason for Proposed Decision

22. To ensure the Council has a consistent approach for the handling of comments, compliments and complaints and to ensure the Council's practices and procedures for handling complaints is in accordance with the PSOW's Model Complaint Handling Process and Guidance issued by the Ombudsman for Wales under Section 38 of the Public Services Ombudsman (Wales) Act 2019.

Implementation of Decision

23. The decision is proposed for implementation after the three day call in.

Appendices

24. Appendix 1 – Comments, Compliments and Complaints Policy 2021

25. Appendix 2 – Integrated Impact Assessment – first stage

List of Background Papers

26. Complaints Standards Authority – Wales – Concerns & Complaints Policy for Public Service Provider in Wales

27. Complaints Standards Authority – Wales – Guidance for Public Service Providers on Implementing the Concerns and Complaints Policy
28. Complaints Standards Authority – Wales – Complaint Handling Process – Statement of Principles

Officer Contact

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